

LILA A. JABER,
CHAIRMAN

STATE OF FLORIDA



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Public Service Commission

July 22, 2003

Honorable Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CC Docket No. 96-45 - Certification pursuant to 47 C.F.R. §54.314

Dear Secretary Dortch:

Pursuant to the requirements of 47 C.F.R. §54.314, the Florida Public Service Commission (FPSC) hereby certifies to the Federal Communications Commission that all federal high-cost funds flowing to Florida rural carriers for the year commencing January 1, 2004, and ending December 31, 2004, will be utilized in a manner consistent with §254(e) of the Telecommunications Act of 1996. The Florida rural carriers (and associated study area codes) hereby certified are: ALLTEL Florida, Inc. (210336); Frontier Communications of the South, Inc. (210318); Quincy Telephone Company d/b/a TDS TELECOM/Quincy (210338), Smart City Telecommunications LLC d/b/a Smart City Telecom (210330); Northeast Florida Telephone Company, Inc. (210335), Indiantown Telecommunications Systems, Inc. (210331); and GTC, Inc. d/b/a GT Com (210291, 210329, & 210339). As required by §254(e), these companies will only utilize the federal high-cost support for which they are eligible in the year 2004 for the provision, maintenance and upgrading of facilities and services for which the support is intended.

The representations and certifications provided herein arose from the Commission's proceedings in Docket No. 010977-TL. A copy of the FPSC's order certifying these companies for the year 2004 is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Lila A. Jaber".

Lila A. Jaber
Chairman

Enclosure
cc 96-45 lcc2004

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: State certification of
rural telecommunications
carriers pursuant to 47 C.F.R.
54.314.

DOCKET NO. 010977-TL
ORDER NO. PSC-03-0833-FOF-TL
ISSUED: July 18, 2003

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

FINAL ORDER REGARDING RURAL LOCAL EXCHANGE COMPANY CERTIFICATION

BY THE COMMISSION:

Section 254(e) of the Telecommunications Act of 1996 provides that a carrier that receives universal service support "... shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended." In its Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 00-256, Release Number FCC 01-157 (the Rural Task Force Order; hereafter, the RTF Order) the Federal Communications Commission (FCC) modified its rules pertaining to the provision of high-cost support for rural telephone companies. In addition, the FCC adopted a rule requiring that states who wish for rural carriers in their territory to receive federal high-cost support must file a certification annually with the FCC and with the Universal Service Administrative Company (USAC). This certification is to state that all federal high-cost funds flowing to rural carriers in the state, or to any competitive eligible telecommunications carriers requesting support for serving within a rural carrier's service area, will be used in a manner that comports with section 254(e). The rule provisions are:

§54.314. State certification of support for rural carriers.

- (a) *State certification.* States that desire rural incumbent local exchange carriers and/or eligible telecommunications carriers serving lines in the service area of a rural incumbent local exchange carrier within their jurisdiction to receive support pursuant to §§54.301, 54.305, and/or 54.307 of this part and/or part 36, subpart F of this chapter must file an annual certification with the Administrator and the Commission stating that all federal high-cost support provided to such carriers within that State will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. . .

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- (c) *Certification format.* A certification pursuant to this section may be filed in the form of a letter from the appropriate regulatory authority for the State, and shall be filed with both the Office of the Secretary of the Commission clearly referencing CC Docket No. 95-45, and with the Administrator of the high-cost universal service support mechanism, on or before the deadlines set forth below in subsection (d). . . .

The FCC requires that certifications for the next calendar funding year must be submitted by the preceding October 1; thus, in order for a rural carrier to be eligible for high-cost universal service support for all of calendar year 2004, certification must be submitted by October 1, 2003.

Unless this Commission submits certifications to the FCC and to USAC by October 1, 2003, Florida's seven rural carriers will receive no interstate high-cost universal service funds during the first quarter of 2004, and may forego all support if certification from the FPSC is not eventually submitted. Other than Frontier, these rural LECs are under intrastate price regulation and thus our regulatory oversight over their operations is somewhat limited.

However, the FCC anticipated that certain state commissions may have restricted authority:

In the case of non-rural carriers, we concluded that states nonetheless may certify to the Commission that a non-rural carrier in the state had accounted to the state commission for its receipt of federal support, and that such support will be "used only for the provision, maintenance and upgrading of facilities and services for which the support is intended." We determined that, in states in which the state commission has limited jurisdiction over such carriers, the state need not initiate the certification process itself. . . . We conclude that this approach is equally appropriate here with regard to rural carriers and competitive eligible telecommunications carriers serving lines in the service area of a rural local exchange carrier.

RTF Order at ¶188 Each of the seven Florida rural LECs has submitted an affidavit (see Attachments A through G) in which they have certified that their use of interstate high-cost universal service support received during 2003 will comport with section 254(e) of the Act and applicable FCC rules. We note that this procedure is identical to that followed for funding years 2002 and 2003. Given these LECs' certifications, this Commission does certify to the FCC and to the USAC that these LECs will be using interstate high-cost universal service support in 2004 in a manner that complies with section 254(e).

Under the FCC's rule 54.314, state commission certification that their rural LECs will use interstate high-cost universal service support in a manner that comports with section 254(e) will need to be addressed once each year. We anticipate that in subsequent years, Florida's rural LECs who continue to desire to receive interstate high-cost universal service support will again submit affidavits to this Commission; such affidavits would need to be received on a schedule that allows for an order to be issued and forwarded with a letter to the FCC and the USAC prior to October 1. Accordingly, it is appropriate for this docket to remain open to handle subsequent year's certifications.

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It is therefore

ORDERED by the Florida Public Service Commission, and we hereby certify that ALLTEL Florida, Inc., Frontier Communications of the South, Inc., Quincy Telephone Company d/b/a TDS Telecom/Quincy, Smart City Telecommunications LLC d/b/a Smart City Telecom, Northeast Florida Telephone Company, Inc., Indiantown Telecommunications Systems, Inc., and GTC, Inc. d/b/a GT Com will be using interstate high-cost universal service support in 2004 in a manner that complies with Section 254(e) of the federal Telecommunications Act of 1996. It is further

ORDERED that Attachments A through G to this Order are incorporated by reference herein. It is further

ORDERED that this docket shall remain open to handle subsequent year's certifications for Florida's rural local exchange companies.

By ORDER of the Florida Public Service Commission this 18th Day of July, 2003.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: _____
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

SOME (OR ALL) ATTACHMENT PAGES ARE NOT ON ELECTRONIC DOCUMENT.

BK

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.